IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 23512 of 2007(Y)

PETITIONER:

P.A. MOOSA,
S/O. M.P. ALIYAR, AGED 47 YEARS,
HEAD CLERK,SUB REGISTRAR OFFICE,
ALANGAD, N. PARUR.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF REGISTRATION, THIRUVANANTHAPURAM.

3. SRI. THOMAS VARGHESE
SUB REGISTRAR, ALAKODE,
KANNUR DISTRICT.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P(C).No.23512 of 2007

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Dated this the 14th day of August, 2007.

JUDGMENT

Ext.P3 is an appeal filed by the petitioner against Ext.P1 draft seniority list dated 13.8.2004. It is stated in paragraph 9 of the Writ Petition that the appeal was posted for hearing as per Exts.P5 and P5(a) notice of hearing and that the matter was heard by Smt. G.Sreekumari, Joint Secretary to the Government. It is stated that however, the appeal has been disposed of by Ext.P7 order by Sri.P.Mara Pandiyan, Secretary to government, who has not heard the appeal. Petitioner has raised specific grounds in this regard.

2. It is one of the principles of natural justice that the person who heard the appeal should pass order and if he is relieved from the office, before passing the order, his successor should have issued notice and heard the parties again before order was issued. On that short ground, I quash Ext.P7 and direct the first respondent to reconsider Ext.P3 appeal with notice

and opportunity of hearing to the petitioner and affected parties. This exercise shall be completed within a period of three months from the date of receipt of a copy of this judgment. Petitioner is directed to produce a copy of this judgment before the first respondent for compliance.

Writ Petition is disposed of as above.

Antony Dominic,
Judge.

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